

United States Court of Appeals for the Armed Forces
Washington, DC 20442-0001

In Re:)
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CHANGE OF RULES) O R D E R
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Upon careful consideration of certain proposed changes to the Rules of Practice and Procedure, United States Court of Appeals for the Armed Forces, which were presented to and reviewed by the Rules Advisory Committee of the United States Court of Appeals for the Armed Forces and thereafter published in the Federal Register for comment, it is, by the Court this 8th day of December, 2006

ORDERED:

That effective January 1, 2007, Rules 9(e), 14, 19(a)(5)(C), 19(b)(3), 19(g), 22(b)(3), 26(b), 37(c)(1), and 41(a), are amended added or rescinded as provided in the attachment to this order.

For the Court,

William A. DeCicco
Clerk of the Court

Attachment

AMENDMENT TO RULE 9(e):

(e) Hours. The Clerk's office shall be open for the filing of pleadings and other papers from ~~9:00 a.m.~~ **8:00 a.m.** to 5:00 p.m. every day except Saturdays, Sundays, and legal holidays, or as otherwise ordered by the Court. See Rule 36(a). **The Court is always open for the filing of pleadings and other papers. A pleading or other paper may be filed outside of normal operating hours of the Clerk's office by delivery to the U.S. Marshal on duty in the front lobby of the courthouse. Pleadings will be deemed filed on the date and time delivered to the U.S. Marshal. The U.S. Marshal will notify the Clerk of the filing in accordance with procedures provided by the Clerk.**

RESCISSION OF RULE 14:

~~RULE 14. HONORARY MEMBERSHIP~~

~~Honorary membership in the Bar of the Court may be granted from time to time to distinguished members of the legal profession of other nations who are knowledgeable in the fields of military justice or the law of war. A candidate for honorary membership will be presented at the Bar in person after the nomination has previously been approved by the Court. A certificate of honorary membership in the Bar will be presented to the person so honored.~~

ADDITION OF NEW RULE 19(a)(5)(C):

(C) Groستefon Issues. Issues raised pursuant to United States v. Groستefon, 12 M.J. 431 (C.M.A. 1982), if not raised earlier, may be presented to the Court by motion filed pursuant to Rule 30(a) no later than 30 days following the filing of the supplement to the petition.

AMENDMENT TO RULE 19(b)(3):

(3) Other cases. In all other cases involving a decision by a Court of Criminal Appeals, a certificate for review filed by the Judge Advocate General shall be filed **either (a)** no later than 30 days after the date of the decision of the Court of Criminal Appeals (see Rules 22 and 34(a)), **or (b)** no later than 30 days after a petition for grant of review is granted. In cases that involve both granted and certified issues, the Clerk may establish a consolidated briefing schedule for all issues. In cases that involve only certified issue(s), an appellant's brief shall be filed in accordance with Rule 24 no later than 30 days after the issuance by the Clerk of a notice of docketing of the certificate for review. An appellee's answer shall be filed no later than 30 days after the filing of an appellant's brief. A reply may be filed by the appellant no later than 10 days after the filing of the appellee's answer.

ADDITION OF NEW RULE 19(g):

(g) Timely Motion for Reconsideration Before the Court of Criminal Appeals. If an appeal is filed in this Court before the expiration of time to file a motion for reconsideration in a Court of Criminal Appeals, this Court, upon the prompt filing of a motion to dismiss by a party stating that a timely motion for reconsideration is pending in a Court of Criminal Appeals, may dismiss the appeal without prejudice and remand the case to the Court of Criminal Appeals for resolution of the motion for reconsideration. Following a decision by the Court of Criminal Appeals on the motion for reconsideration, review may be sought in this Court under Article 67, Uniform Code of Military Justice.

AMENDMENT TO RULE 22(b)(3):

(3) Other cases. In all other cases involving a decision by a Court of Criminal Appeals, a certificate for review shall be filed **either (a)** no later than 30 days after the date of the decision of the Court of Criminal Appeals (see Rule 34(a)) **or (b)** no later than 30 days after a petition for grant of review is granted. In cases that involve both granted and certified issues, the Clerk may establish a consolidated briefing schedule for all issues. In cases that involve only certified issue(s), a brief in support of the certified issues

shall be filed by the appellant in accordance with Rule 24 no later than 30 days after the issuance by the Clerk of a notice of docketing of the certificate for review. An appellee's answer shall be filed no later than 30 days after the filing of an appellant's brief. A reply may be filed by the appellant no later than 10 days after the filing of the appellee's answer.

AMENDMENT TO RULE 26(b):

(b) Unless otherwise ordered by the Court, a brief of an amicus curiae **in support of a party** ~~may under subsection (a)(1) of this rule shall be~~ filed no later than 10 days after **that party has filed its brief. If neither party is supported, the brief of an amicus curiae shall be filed no later than 10 days after the first brief is filed.** ~~the filing of the answer by the appellee or respondent.~~

AMENDMENT TO RULE 37(c)(1):

(1) All pleadings, **that consist of ten or more pages,** ~~presented to the Court shall, unless they are less than 5 pages in length,~~ **shall** be preceded by a subject index of the matter contained therein, with page references, and a table of cases (alphabetically arranged with citations), textbooks, and statutes cited, with references to the pages where cited.

AMENDMENT TO RULE 41(a):

The photographing, televising, recording, or broadcasting of any session of the Court or other activity relating thereto is prohibited ~~within the confines of the courthouse~~ unless authorized by the Court.